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ORIGIN EB-07

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FM SECSTATE WASHDC

TO USMISSION EC BRUSSELS

AMEMBASSY LONDON

AMEMBASSY PARIS

AMEMBASSY BONN

AMEMBASSY ROME

AMEMBASSY BRUSSELS

AMEMBASSY THE HAGUE

AMEMBASSY DUBLIN

AMEMBASSY LUXEMBOURG

AMEMBASSY COPENHAGEN

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E.O. 11652: N/A

TAGS: EAGR, ETRD, EEC

SUBJECT: EC WINE LABELING

REF: A) EC BRUSSELS 1010; B) EC BRUSSELS 10380

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1. ALTHOUGH, AS MISSION HAS REPORTED, EC CONTINUES PRESS U.S. FOR SUBMISSION OF REQUESTS FOR DEROGATIONS AND HAS INDICATED THAT IT MAY GRANT CERTAIN DEROGATIONS EVEN IN ABSENCE OF U.S. REQUEST, USEC REP HAS CORRECTLY ADVISED EC THAT U.S. HAS NOT, BY IMPLICATION OR OTHERWISE, ACCEPTED REG. 2133/74. A U.S. REQUEST FOR, OR THE FORMAL ACCEPTANCE OF, AN EC GRANT OF DEROGATIONS COULD RESULT IN EROSION OF THIS POSITION. SUCH ACTION COULD ALSO WEAKEN ANY CHANCE TO CONVINCE EC OF DESIRABILITY OF MUTUAL ACCEPTANCE OF EACH OTHER'S WINE STANDARDS OR AT A MINIMUM TO AGREE ON COMPATIBLE STANDARDS WHICH WOULD NOT IMPOSE BARRIERS TO TRADE.

2. U.S. SUBMISSION OF LISTS OF WINE VARIETIES AND GEOGRAPHIC APPELLATIONS WAS GESTURE OF COOPERATION, INTENDED, IN PART, TO FACILITATE CONSULTATIONS. IT WAS OUR UNDERSTANDING THAT, UPON RECEIPT OF LISTS EC COULD ACCEPT U.S. INVITATION FOR MEETING IN U.S. IN ORDER TO PROCEED WITH EXCHANGE OF INFORMATION AND NARROWING OF DIFFERENCES. WE

AWAIT EC PROPOSAL FOR DATE OF SUCH MEETING.

3. A NUMBER OF BASIC ISSUES OTHER THAN THOSE SPECIFICALLY ARISING OUT OF REG. 2133/74 REMAIN OUTSTANDING AND U.S. WOULD HOPE TO RESOLVE THEM BEFORE NEW EFFECTIVE DATE OF SEPTEMBER 1, 1976 FOR REG. 2133/74. AREAS OF CONTINUING CONCERN INCLUDE FOLLOWING:

A. U.S. BELIEVES THAT RECIPROCAL ACCEPTANCE OF STANDARDS OR MINIMAL IMPOSITION OF DIFFERING STANDARDS SHOULD BE ULTIMATE MUTUAL GOAL OF THIS EXERCISE. SOME EC STATEMENTS APPEAR TO INDICATE SIMILAR THINKING WITHIN COMMISSION, E.G., EC REQUEST THAT U.S. ACCEPT EC INTERNAL CERTIFICATE OF ORIGIN. THEREFORE, WE CONTINUE TO BELIEVE IT WOULD BE APPROPRIATE FOR EC MANAGEMENT COMMITTEE TO CONSIDER PERMANENT EXEMPTION FOR U.S. FROM REGULATION 2133/74. DISCUSSION OF RECIPROCAL APPROACH COULD PROCEED ONCE MANAGEMENT COMMITTEE HAS DELIBERATED.

B. U.S. STILL HOPES FOR PERMANENT SOLUTION IMPORT LIMITED OFFICIAL USE

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CERTIFICATION PROBLEM. EC INDICATED THAT WINE CAP (REGULATION 816/70) MIGHT BE AMENDED TO MAKE EC CERTIFICATION REQUIREMENTS LESS ONEROUS. U.S. HOPES THAT EC WILL BE PREPARED IN NEAR FUTURE TO COMMENT ON STATUS OF AMENDMENT. SUPPLY LIST OF FORBIDDEN PRACTICES, INFORM U.S. OF OTHER CHANGES TO BE MADE IN ITS CERTIFICATION REQUIREMENTS, AND BE PREPARED TO INDICATE POSSIBLE WAYS OF PERMANENTLY EXEMPTING U.S. FROM REQUIREMENT.

C. THE REQUIREMENT THAT U.S. WINES BE CERTIFIED AS HAVING BEEN PRODUCED ACCORDING TO ENOLOGICAL PROCESSES IN FORCE IN A SPECIFIC EC VITICULTURAL ZONE IS CLEARLY IMPOSSIBLE TO MEET, AS WE BELIEVE EC AUTHORITIES NOW UNDERSTAND. TECHNICALLY, THE U.S. IS STILL SUPPOSED TO CHOOSE A ZONE OF COMPARABILITY AND ADVISE THE EC. THIS REQUIREMENT SHOULD BE DROPPED OR RADICALLY MODIFIED SO AS NOT TO CONSTITUTE A TRADE IMPEDIMENT.

4. U.S. PREPARED TO DISCUSS SPECIFICS OF REGULATION 2133/74 AND WOULD SUGGEST EMPHASIS ON FOLLOWING MATTERS:

A. DEROGATIONS - WITH A VIEW TO MINIMIZING IMPOSITION OF STANDARDS WHICH WOULD EFFECT U.S. TRADE, WE BELIEVE EC SHOULD CONSIDER POSSIBILITY OF LOWER DEROGATION LEVELS (VINTAGE, VARIETY, AND GEOGRAPHIC APPELLATIONS) FOR IMPORTS, WHICH IN OUR VIEW, COULD BE ACCOMPLISHED WITHOUT SACRIFICING CONSUMER INTERESTS. IN THIS CONNECTION, IT IS IMPORTANT TO DISTINGUISH BETWEEN BLENDING OF VARIETAL WINES FOR COST REDUCTION PURPOSES (BLENDING A CHEAPER

WINE WITH MORE EXPENSIVE TYPE NAMED ON LABEL) WHICH ADMITTEDLY HAS SOME ASPECTS OF CONSUMER DECEPTION, AND BLENDING TO IMPROVE QUALITY OR ATTRACTIVENESS AS IS DONE IN MANY EC DISTRICTS UNDER GEOGRAPHIC DESIGNATIONS, E.G., BORDEAUX. U.S. BELIEVES THAT FURTHER DISCUSSIONS THESE MATTERS ARE NECESSARY AND HOPES THAT POSSIBILITY OF GREATER EC FLEXIBILITY WILL NOT BE FORECLOSED. BECAUSE OF PROBLEMS WHICH 85 PERCENT DEROGATION LEVELS WOULD ENTAIL, U.S. IS NOT PREPARED TO SUBMIT A REQUEST FOR DEROGATIONS AT THIS TIME.

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B. IN LAST CONSULTATIONS, EC INDICATED FURTHER COM-MISSION POSITIONS WERE BEING DEVELOPED REGARDING USE OF GEOGRAPHIC INDICATIONS (INTERPRETATION OF LARGE AND SMALL AREAS). WE WOULD APPRECIATE AN UPDATE ON THIS MATTER PRIOR TO NEXT CONSULTATION.

C. THE U.S. WOULD ALSO HOPE THAT EC CAN COMMENT ON ACCEPTABILITY OF LISTS OF WINE VARIETIES AND GEOGRAPHIC APPELLATIONS RECENTLY SUBMITTED BY U.S.

D. NONGRAPE WINES - ALTHOUGH FINAL AUTHORITY ON USE OF TERM QUOTE WINE END QUOTE TO DESCRIBE WINE MADE FROM FRUITS OTHER THAN GRAPES IS LEFT TO DISCRETION OF MEMBER STATES, U.S. BELIEVES THAT THE COMMISSION'S RESPONSIBILITY FOR REGULATIONS GOVERNING EXTERNAL TRADE MAY PROVIDE IT

WITH AUTHORITY TO PROHIBIT DISCRIMINATION AGAINST IMPORTS.

E. CITATIONS ON LABELS - WITH REGARD TO ARTICLES 22 AND 29 OF REGULATION 2133/74, EC INDICATED IT ENVISIONED REVISION OF REGULATION TO PERMIT CITATIONS ON IMPORTED WINES. COMMENT ON STATUS OF THIS MATTER WOULD ALSO BE APPRECIATED.

5. AMONG OTHER SUBJECTS ON WHICH WE WOULD WELCOME CURRENT INFORMATION ARE STATUS OF PROPOSED EC FOOD LABELING REGULATIONS INSOFAR AS THEY WILL APPLY TO WINE (AND BEER AND DISTILLED SPIRITS); AND STATUS AND ANTICIPATED TIMETABLE FOR ADOPTION UNIFORM EC STANDARDS OF FILL FOR WINE AND OTHER ALCOHOLIC BEVERAGES.

6. MISSION SHOULD PROPOSE TO COMMISSION THAT NEXT MEETING ON WINE TAKE PLACE IN U.S. EARLY IN SPRING ON MUTUALLY AGREEABLE DATES, AND MAY DRAW ON FOREGOING MATERIALS AS IT SEES FIT. KISSINGER

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